secution for the Commonwealth, in the same year with his reply to Mr. Hayne in the Senate, and a few months later. And when I bring to mind the incidents of that trial; the necessity of proving that the prisoner was near enough to the chamber in which the murder was being committed by another hand to aid in the act, and was there with the intention to do so, and thus in point o law did aid in it, because mere accessorial guilt was not enough to convict him; the difficulty of proving this, because the nearest point to which the evidence could trace him was still so distant as to warrant a pretty formidable doubt whether mere curiosity had not carried him thither; and whether he could in any useful or even conceivable manner have co-operated with the actual murderer, if he had intended to do so; and because the only mode of rendering it probable that he was there with a purpose of guilt was by showing that he was one of the parties to a conspiracy of murder, whose very existence, actors, and objects had to be made out by the collation of the widest possible range of circumstances, some of them pretty loose; and even if he was a conspirator it did not quite necessarily follow that any active participation was assigned to him for his part, any more than to his brother, who confessedly took no such part; the great use and what to reject of a mass of rather unmanageable use and what to reject of a mass of rather unmanageable materials; the points in the law of evidence to be argued, in the course of which he made an appeal to the Bench on the complete impunity which the rejection of the prisoner's confession would give to the murder, in a style of dignity and energy, I should rather say of grandeur, which I never heard him equal before or after; the high ability and fidelity with which every part of the defence was conducted; and the great final summing up, to which he brought, and in which he needed, the utmost exertion of every faculty he possessed to persuade the jury that of every faculty he possessed to persuade the jury that the obligation of that duty, the sense of which, he said, 'pursued us ever; it is omnipresent like the Deity : if we take the wings of the morning and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us for our happiness or misery;" to persuade them that this obligation demanded that on his proofs they should convict the prisoner: to which he brought first the profound belief of his guilt, without which he

could not have prosecuted him; then skill consummate in inspiring them with a desire or a willingness to be in-strumental in detecting that guilt, and to lean on him in the effort to detect it : then every resource of professional ability to break the force of the propositions of the defence, and to establish the truth of his own : inferring a conspiracy to which the prisoner was a party, from a conspiracy to which the prisoner was a party, from circumstances acutely ridiculed by the able counsel op-posing him as "stuff," but woven by him into strong and uniform tissue; and then bridging over from the conspiracy to the not very necessary inference that the particular conspirator on trial was at his post, in execution of it, to aid and abet—the picture of the murder with which he begun-not for rhetorical display, but to inspire solemnity, and horror, and a desire to detect and punish for justice and for security; the sublime exhorta-tion to duty with which he closed—resting on the univerauthoritativeness and eternity of its obliga tion—which left in every juror's mind the impression that it was the duty of convicting in this particular case, the sense of which would be with him in the hour of death and in the judgment, and forever. With these recollec tions of that trial I cannot help thinking it a more difficult and higher effort of mind than that more famous

Oration for the Crown." It would not be unpleasing nor inappropriate to pause and recall the names of some of that succession of competitors by whose rivalry the several stages of his profes sional life were honored and exercised; and of some of the eminent judicial persons who presided over that various and high contention. Time scarcely permits this : but in the briefest notice I must take occasion to say that perhaps the most important influence-certainly the most important early influence—on his professional traits and fortunes was that exerted by the great general abilities, impressive character, and legal genius of Mr. Mason. Who he was you all know. How much the jurisprudence of New Hampshire owes to him; what deep traces he left on it; how much he did to promote the culture and to preserve the integrity of the old common law; to adaptit yeur wants and your institutions; and to construct system of practice by which it was administered with ex-traordinary energy and effectiveness for the discovery of truth and the enforcement of right, you of the legal pro-fession of this State will ever be proud to acknowledge Another forum in a neighboring commonwealth witness-ed and profitted by the last labors and enlarged studies of the consummate lawyer and practiser; and at an ear-lier day the Senate, the country, had recognised his vast practical wisdom and sagacity, the fruit of the highest in-tellectual endowments, matured thought, and profound observation; his fidelity to the obligations of that party connexion to which he was attached; his fidelity through all his life, still more conspicuous and still more admira-He had been more than fourteen years at ed patriotism. the bar when Mr. Webster came to it; he discerned instantly what manner of man his youthful competitor was he admitted him to his intimate friendship, and paid him the unequivocal compliment and did him the real kind-ness of compelling him to the utmost exertion of his diligence and capacity by calling out against him all his own.
"The proprieties of this occasion"—these are Mr. Webster's words in presenting the resolutions of the Suffolk Bar upon Mr. Mason's death-"compel me, with whatever reluctance, to refrain from the indulgence of the personal feelings which arise in my heart upon the death of one with whom I have cultivated a sincere, affectionate, and unbroken friendship from the day when I commenced my own professional career to the closing hour of his life. will not say of the advantages which I have derived from his intercourse and conversation all that Mr. Fox said of Edmand Burks, but I am bound to say that of my own professional discipline and attainments, whatever they may be. I owe much to that close attention to the discharge of my duties which I was compelled to pay for nine successive years, from day to day, by Mr. Mason's efforts

casion to see and feel." I reckon, next to his, for the earlier time of his life, the influence of the learned and accomplished Smith; and next to these, some may believe greater, is that of Mr. Justice Story. That extraordinary person had been admitted to the bur in Essex in Massachusetts in 1801; and he was engaged in many trials in the county of Rocking-ham, in this State, before Mr. Webster had assumed his own established position. Their political opinions differ-ed; but such was his affluence of knowledge already; such his stimulant enthusiasm; he was burning with so incredible a passion for learning and fame, that the influence on the still young Webster was instant, and it was great and permanent. It was reciprocal too; and an intimacy began that attended the whole course of honor through which each, in his several sphere, ascended. ons he saw, also, but rarely, and Dexter oftener, and with more nearness of observation, while yet laving the foundation of his own mind and oberacter; and he shared

and arguments at the same bar. I must have been unin-

telligent indeed not to have learned something from the constant displays of that power which I had so much oc-

As he came to the grander practice of the national bar, other competition was to be encountered. Other names begin to solicit us; other contention; higher prizes. It would be quite within the proprieties of this discourse to remember the parties, at least to some of the higher causes, by which his ultimate professional fame was built up even if I could not hope to convey any impression of the novelty and difficulty of the questions which they involved, or of the positive addition which the argument and judgment made to the treasures of our constitutional and Dartmouth Gollege by the Legislature of the State of the political onnexion to which he belonged; command of the State: a judgment was given against the College, and this was appealed to the Supreme Federal Court by decided to be a contract whose obligation a State may not impair; the acts were decided to be invalid as an atthat result, how much the effort advanced his own dis- the country; ow much he achieved in Congress as well that result, now much the effort advanced his own dis-tinction at the bar, you all know. Well, as if of yester-day, I remember how it was written home from Washing-impress the tascendent value of the Constitution itself. "Mr. Webster closed a legal argument of great power by a peroration which charmed and melted his adoption; he much to establish in the general mind the much more satisfactory, of the speech and the scene. I is a Government proper, established by the people of the was aware that the report of his argument, as it was pub- States, not sompact between sovereign communities; lished, did not contain the actual percention, and I supposed it lost forever. By the great kindness of a learned and excellent person, Dr. Chauncey A. Goodrich, a professor in Yale College, with whom I had not the honor of acquaintance, although his virtues, accomplishments, and most useful life were well known to me, I can read to you did not contain the actual percentage, and I supposed it lost forever. By the great kindness of a learned is within it limits it is supreme, and that whether it is to be deterined by the Supreme Court of the United States—the Itimate arbiter—in the last resort, from which there ho appeal but to revolution; how much he most useful life were well known to me, I can read to you did not contain the actual percentage in regard to a protective policy. He opposed a tariff of protection, it is said, in 1816, and 1820, and 1824; and he opposed, in 1828, a sudden and fatal repeal of such a tariff, and thereupon which there ho appeal but to revolution; how much he great comprehensive ideas of political economy; who dook the fleeting interests and transient opinions of the

bar. He had called to his aid the ripe and beautiful culture of Hopkinson; and of his opponents was William Wirt, then and ever of the leaders of the bar, who, with faculties and accomplishments fitting him to adorn and guide public life, abounding in deep professional learning, and in the most various and elegant acquisitions, a ripe and splendid orator, made so by genius and the most assiduous culture, consecrated all to the service of the law. It was before that tribunal, and in presence of an audience select and critical, among whom, it is to be borne in mind, were some graduates of the college, who were attending to assist against her, that he opened the cause. It gladly proceed in the words of Mr. Goodrich:

"Before going to Washington, which I did chiefly for the sake of hearing Mr. Webster, I was told that, in arguing the case at Exeter, New Hampshire, he had left the whole court-room in tears at the conclusion of his speech. This, I confess, struck me unpleasantly—any attempt at pathos on a purely legal question like this seemed hardly in good taste. On my way to Washington I made the acquaintance of Mr. Webster. We were together for several days in Philadelphia, at the house of a common friend; and as the College question was one of deep interest to literary men, we conversed often and largely on the subject. As he dwelt upon the leading soints of the case, in terms so calm, simple, and precise, said to myself more than once, in reference to the story number of witnesses to be examined and cross examined, a duty devolving wholly on him; the quick and sound judgment demanded and supplied to determine what to I had heard, Whatever may have seemed appropriate in I had heard, 'Whatever may have seeing and on her own ground, there will be no appeal to the feelings of Judge Marshall and his associates at Washington.' The Supreme Court and his associates at Washington. The Supreme Court of the United States held its session that winter in a mean apartment of moderate size, the Capitol not having been built after its destruction in 1814. The audience, when the case came on, was therefore small, consisting chiefly of legal men, the elite of the profession throughout the country. Mr. Webster entered upon his argument in the calm tone of easy and dignified conversation. His matter was so completely at his command that he scarcely looked at his brief, but went on for four hours with a statement so luminous, and a chain of reasoning so easy to be understood, and yet approaching so nearly to absolute demonstration, that he seemed to carry with him every man of his audience without the slightest effort or weariness on either side. It was hardly eloquence in the strict sense of the term; it was pure reason. Now and then, for a sentence or two, his eye flashed and his voice swelled into a bolder note as he uttered some emphatic thought; but he instantly fell back into the tone of earnest conversation, which ran throughout the great body of his speech. A single circumstance will show you the clearness and absorbing power of his argument.

"I observed that Judge Story, at the opening of the case, had prepared himself, pen in hand, as if to take copious minutes. Hour after hour I saw him fixed in the same attitude, but, so far as I could perceive, with not a note on his paper. The argument closed, and I could not discover that he had taken a single part. discover that he had taken a single note. Others around me remarked the same thing, and it was among the on dits of Washington that a friend spoke to him of the fact with surprise, when the Judge remarked, 'every thing was so clear, and so easy to remember, that not a note seemed ecessary, and, in fact, I thought little or nothing about my notes.

The argument ended. Mr. Webster stood for some moments silent before the Court, while every eye was fixed intently upon him. At length, addressing the Chief Jusice, Marshall, he proceeded thus:

"'This, sir, is my case. It is the case not merely of that humble institution, it is the case of every college in our land. It is more: it is the case of every eleemosynary institution throughout our country, of all these great charities founded by the piety of our ancestors to alleviate human misery and scatter blessings along the pathway of life. It is more: it is, in some sense, the case of every man among us who has property of which he may be stripped; for the question is simply this: 'Shall our State Legislatures be allowed to take that which is not their own, to turn it from its original use, and apply it to such ends or purposes as they in their discretion

" 'Sir, you may destroy this little institution; it is weak "Sir, you may destroy this little institution; it is weak; it is in your hands. I know it is one of the lesser lights in the literary horizon of our country. You may put it out. But if you do so, you must earry through your work! You must extinguish, one after another, all those great lights of science

'It is, sir, as I have said, a small college. And yet there -who lave it'-

" Here the feelings which he had thus far succeeded in keeping down broke forth. His lips quivered; his cal constituency to gratify, laying all the wealth, all the firm cheeks trembled with emotion; his eyes were filled with tears, his voice choked, and he seemed struggling to patriotism, he sought and won the more exceeding glory which might save him from an unmanly burst of feeling.

I will not attempt to give you the few broken words of tenderness in which he went on to speak of his attachment to the college. The whole seemed to be mingled throughout with the recollections of father, mother, brother, and all the trials and privations through which he had made his way into life. Every one saw that it was the first through which he had made his way into life. Every one saw that it was the first through which he had made his way into life. Every one saw that it was the first through which he had made his way into life. Every one saw that it was the first through which he had made his way into life. Every one saw that it was the first through which he was a sinking land—recall this aeries of conduct and influences, study them carefully in their facts and every five life. The whole seemed to be mingled that and saves a sinking land—recall this aeries of conduct and influences, study them carefully in their facts and every five life. I was the five life of the character and life. had made his way into life. Every one saw that it was sought relief in words and tears.
"The court room during these two or three minutes

catch the slightest whisper, the deep furrows of his cheek expanded with emotion, and eyes suffused with tears: Mr. Justice Washington at his side, with his small and maciated frame and countenance more like marble than I ever saw on any other human being, leaning forward with an eager, troubled look; and the remainder of the Court, at the two extremities, pressing, as it were, toward a single point, while the audience below were wrapping hemselves round in closer folds beneath the bench catch each look and every movement of the speaker's face. If a painter could give us the scene on canvass, those forms and countenances, and Daniel Webster as he then stood in the midst, it would be one of the most touching pictures in the history of elequence. One thing it taught me : that the pathetic depends not merely on the words uttered, but still more on the estimate we put upon him who utters them. There was not one among the strong minded men of that assembly who could think it unmany to weep, when he saw standing before him the man who had made such an argument melted into the tender-

"Mr. Webster had now recovered his composure, and, fixing his keen eye on the Chief Justice, said, in that deep one with which he sometimes thrilled the heart of an aulience:

back to his ordinary range of thought and feeling." It was while Mr. Webster was ascending through the the day he wet upon the Committee of Foreign Relations, in 1813, in tipe of war, and more and more, the longer he the conduct a party, as Gibbon says of Fox, abilities and civil direction equal to the conduct of an empire. as much altother as any jurist or statesman since its Often since I have heard vague accounts, not great doctrit that the Government of the United States that within i limits it is supreme, and that whather it

of a tribu
denotes which he thought at one time threatened to subtitute the government of a single will, of a single person

a noise

a noise tation than his arguments on questions of law; but I almost think they were his mightiest professional displays, most think they were his mightiest professional displays, fore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you, and then you will hear the rest in Mr. Goodfore you and then you will hear the rest in Mr. Goodfore you and then you will hear the rest in Mr. Goodfore you and the land of the Senate, all that belongs to them; to arrest th ences—another tie of union because another proof of the beneficence of union; how much to protect the vast mechanical and manufacturing interests of the country, a value of many hundred millions—after having been lured value of many hundred millions—after having been lured into existence against his counsels, against his science of political economy, by a policy of artificial encouragement—from being sacrificed, and the pursuits and plans of large regions and communities broken up, and the acquired skill of the country squandered by a sadden and capricious withdrawal of the promise of the Government; how much for the right performance of the most delicate and difficult of all tasks, the ordering of the foreign affairs of the nation, free, sensitive, self-conscious, recognising, it is true, public law and a morality of the State, binding on the conscience of the State, vert sanitive to binding on the conscience of the State, yet aspiring to power, eminence, and command, its whole frame filled full and all on fire with American feeling, sympathetic with liberty every where; how much for the right order-ing of the foreign affairs of such a State—aining in all his policy, from his speech on the Greek question in 1823 to his letters to M. Hulsemann in 1850, b occupy the high, plain, yet dizzy ground which separates influence from intervention, to avow and promulgate warm good will to humanity wherever striving to befree, to inquire authentically into the history of its struggles, to

take official and avowed pains to ascertain the moment when its success may be recognised consistenty ever with the great code that keeps the peace of the world, abstaining from every thing which shall give an nation a right under the laws of nations to utter one word of complaint, still less to retaliate by war—the sympatly, but also the neutrality, of Washington; how much o com-pose with honor a concurrence of difficulties with he first Power in the world, which any thing less than the lighest degree of discretion, firmness, ability, and means of com-manding respect and confidence at home and abroad would inevitably have conducted to the last calanity—a disputed boundary line of many hundred miles, from the St. Croix to the Rocky Mountains, which divided an exasperated and impracticable border population enlisted the pride and affected the interests and controlled the politics of particular States, as well as pressed on the peace and honor of the nation, which the most popular Adminstrations of the era of the quietest and best public feelings, the times of Monroe and of Jackson, could not adjust; which had grown so complicated with other topics of excitement that one false step, right or left, would have itement that one false step, right or left, been a step down a precipice—this line settled forever; the claim of England to search our ships for the suppression of the slave-trade silenced forever, and a new engage-ment entered into by treaty, binding the national faith to contribute a specific naval force for putting an and to the great crime of man; the long practice of England to enter an American ship and impress from its crew erminated forever; the deck henceforth guarded sacredl; and com-pletely by the flag; how much by profound discernment, by eloquent speech, by devoted life to strengtlen the ties of Union, and breathe the fine and strong spirit of na-tionality through all our numbers; how much, most of all, last of all, after the war with Mexico, needless if his counsels had governed, had ended in so was an acquisi-tion of territory, in presenting to the two great antagonist which for more than a century have thrown their radiance over our land! sections of our country so vast an area to entir on, so imperial a prize to contend for, and the accurred fraternal strife had begun-how much then, when rising to the measure of a true, and difficult, and rare greatness, remembering that he had a country to save as well as a lo-

For such a review the eulogy of an hour has no room. wholly unpremeditated, a pressure on his heart, which Such a task demands research, details, proofs, illustrasought relief in words and tears.

Such a task demands research details, proofs, illustrations, a long labor, a volume of history composed according to her severest laws-setting down nothing, deprepresented an extraordinary spectacle. Chief Justice ciating nothing in malignity to the dead; suppressing no thing and falsifying nothing in adulation of the dead; professing fidelity incorrupt, unswerved by hatred or by ove, yet able to measure, able to glow in the contempla tion of true greatness and a vast and varied and useful sublic life; such a history as the génius and judgment and delicate private and public morality of Everett, as-sisted by his perfect knowledge of the facts, not disqualified by his long friendship, unchilled to the last houruch a history as he might construct.

Two or three suggestions, occurring on the most general observation of this aspect of his eminence, you will

tolerate as I leave the topic. Remark how very large a portion of all this class of his cts are wholly beyond and outside of the professi the law; demanding studies, experience, a turn of mind, cast of qualities and character such as that profession neither gives nor exacts. Some single speeches in Congress of consummate ability have been made by great lawyers, drawing for the purpose only on the learning, accomplishments, logic, and eloquence of the forum. Such was Chief Justice then Mr. Marshall's argument in the case of Jonathan Robbins—turning on the interpreta-tion of a treaty and the constitutional power of the Exc cutive; a demonstration, if there is any in Euclid-antic pating the masterly judgments in the cause of Dartmouth College, or of Gibbons and Ogden; or of Maculloch and Sir, I know not how others may feel,' (glancing at the State of Maryland; but such an one as a lawyer like the opponents of the College before him,) 'but, for my-him-if another there was-could have made in his pro-self, when I see my alma mater surrounded, like Cresar fessional capacity at the bar of the House, although he in the Senate House, by those who are reiterating stab had never reflected on practical politics an hour in his upon stab, I would not for this right hand have her turn life. Such somewhat was William Pinckney's speech in to me and say, Ettu quoque mifili And thou, too, my son! the House of Representatives on the treaty-making power "He sat down. There was a deathlike stillness throughout the room for some moments; every one seement on the Missouri question in 1820, the last of which I seem to be slowly recovering himself, and coming gradually heard Mr. Clay prozounce the greatest he ever heard. They were pieces of legal reasoning on questions of con-stitutional law, decorated of course by a rhetoric which

long gradations of the legal profession to its highest rank that by a parallel series of display on a stage, and in parts totally distinct, by other studies, thoughts, and actions, he rose also to be at his death the first of American states—in Congress; or, more accurately, of some of the more he rose also to be at his death the first of American states—in Congress; or, more accurately, of some of the more men. The last of the mighty rivals was dead before, and important portions of some of his ablest. I should say largely in the universal admiration of that time, and of be stood alone. Give this aspect also of his greatness a so of a part of that on the Panama Mission; of the reply this, of their attainments, and genius, and diverse greatpassing glance. His public life began in May, 1813, in the House of Representatives in Congress, to which this State had aleased him. It ended when he died. If you except the interval between his removal from New Hampshire and his election in Massachusetts, it was a public life of forty wars. By what political morality, and by what enlarged patriotism, embracing the whole country, that life was guided, I shall consider hereafter. Let me now fix your attention rather on the magnitude and you have the magnitude and the constitutional power of the Executive, and the constitutional power of the Executive, and the constitutional power of the Senate, growing out of the removal of the deposites and the supposed tendencies of our system towards a centralization of government in a President and a majority of the people—marked, all now fix your attention rather on the magnitude and variety and actial value of the service. Consider that from the day he wet upon the Committee of Foreign Relations, monopoly usurped upon the executed power of Congress padgment made to the treasures of our constitutions which lived and the higher he rose, he was a man whose great to regulate commerce, was already equal; but to have time to say any thing, and that is the case talents and dvotion to public duty placed and kept him been alone, or of the leaders of his political connexion for which established the inviolability of the charter of the political property is a position of associated or sole command; command in thirty years; to have been able to instruct and guide on New Hampshire. Acts of the Legislature, passed in the jear 1815, had invaded its charter. A suit was brought to test their validity. It was tried in the Supreme Court of the State a independent was given against the College. lead his country by the hand up to a position of influence prealed to the Supreme Federal Court by and civil discussed equal to the conduct of an empire. In an attraction on the nignest places of earth, yet to keep upon solemn argument the charter was Consider the ork keed in that life of forty years; the peace and to keep her honor; to have been able to emulate the prescriptive and awful renown of the foundation of the foundation of the foundation of the peace and to keep her honor; to have been able to emulate the prescriptive and awful renown of the foundation of the foundation of the foundation of the foundation of the peace and to keep her honor; to have been able to emulate the prescriptive and awful renown of the foundation of the foundation of the foundation of the foundation of the peace and to keep her honor; to have been able to emulate the prescriptive and awful renown of the foundation of th not impair; the acts were decided to be invalid as an attempt to impair it, and you hold your charter under that istrative poles, foreign and domestic; the vast body of ted, when some generations have passed, even more than now, to have contributed to save the State—for all this another man was needed, and he stands forth another and the same.

I am hereafter to speak separately of the political me rality which guided Mr. Webster, but I would say a word now on two portions of his public life, one of which has been the subject of accusatory, the other of disparaging criticism, unsound, unkind in both instances. The first comprises his course in regard to a protective

most useful life were well known to me, I can read to you the words whose power, when those lips spoke them, so many owned, although they could not repeat them. As those lips spoke them we shall hear them never more but no utterance can extinguish their simple, sweet, and the removal of the deposites, to place the Executive department of E Government on its true basis and under its true limitions; to secure to that department all its not determined by general principles, but by a consideration of immediate sectional interests."

matter fit for detiberation how far or in what manner it may be proper to restore that free importation after it has been for some time interrupted?" implying that a general principle of national wealth may be displaced or modified by special circumstances. But would these censors therefore cry out that he had no "great and comprehensive ideas of political economy," and was willing to be "determined not by general principles, but by impatition for the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration of Mr. Mohammatical to be undertaken not in the administration mediate interests?" Because a father advises his son against an early and injudicious marriage, does it logically follow, or is it ethically right, that after his advice to the State. has been disregarded he is to recommend descrition of the young wife and the young child? I do not appreciate the beauty and "comprehensiveness" of those scientific ideas which forget that the actual and vast "interests" of the community are exactly what the legislator has to protect; that the concrete of things must limit the foolish wantonness of a priori theory; that that department of politics which has for its object the promotion and distribution of the wealth of nations may very consistently own; and by which, for that one-fifth which England deand very scientifically preserve what it would not have created. He who accuses Mr. Webster in this behalf of equivalents, imperial equivalents, such as a nation may "having no sober and serious convictions of his own" must afford some other proof than his opposition to the introduction of a policy; and then his willinguess to protect it after it had been introduced, and five hundred milputes, a concession not to Maine alone, but to the whole lions of property, however a countless sum, had been invested under it, or become dependant on its continuance.

I should not think that I consulted his true fame if I

did not add as he came to observe the practical workings of the protective policy more closely than at first he had done; as he came to observe the working and influences of a various manufacturing and mechanical labor; to see how it employs and develops every faculty, finds occupation for every hour, creates or diffuses and disciplines insurrender of a pertinacious pretension to four millions of genuity, gathering up every fragment of mind and time so that nothing be lost; how a steady and ample home this adjustment admits or was designed to admit that our of the land, navigation, foreign, coastwise, and interior commerce, all grow with the growth and strengthen with the strength of the industry of the arts; he came to appreciate, more adequately than at first, how this form of labor contributes to wealth, power, enjoyment, a great civilization; he came more justly to grasp the conception of the came more justly to grasp the conception of the came more justly to grasp the conception of the came more justly to grasp the conception of the came more justly to grasp the conception of the land, navigation, foreign complished and excellent person who represented the mo-tagonisms; mightier passions; a new nationality; and the good sense of the English Government, a wise policy of business, a temperate conduct of foreign relations, to enable a people to develope their resources and fulfil their mission. This he selected as his work on earth; this his task; this, if well done, his consolation, the came more justly to grasp the conception of the enlarging territory; enlarging numbers; sharper and tagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonisms; midsputable. I will not do so much injustice to the actagonism spatier passions; a new nationality; and
tagonism of how consummate a destruction it would cause; how senseless, how unphilosophical, how immoral to arrest it suddenly and capriciously after it had been lured into life; how wiser, how far truer to the principles of the science which seeks to augment the wealth of the State, to refuse or destroy so immense an accumulation of that ally and practically yields up the whole territory to the wealth. In this sense, and in this way, I believe his opin- United States, and then brings back a small part of it in

and honest renown-of these it is the truest and most fortunate single exemplification which remains of him. Concerning its difficulty, importance and merits of all sorts, there were at the time few dissenting opinions among those most conversant with the subject, although there were some : to-day there are fewer still. They are so few, a single sneer by the side of his grave, expresstselings here and now by attempting to refute that "sneer" out of the history of the hour and scene. "Standing here," he said in April, 1846, in the Senate of the United States, to which he had returned-"standing here te-day, in this Senate, and speaking in behalf of the Ad-ninistration of which I formed a part, and in behalf of to this treaty, I am willing to appeal to the public men of the age, whether in 1842, and in the city of Washing-, something was not done for the suppression of crime for the true exposition of the principles of public law; for the freedom and security of commerce on the ocean, and for the peace of the world!" In that forum the appeal has been heard, and the praise of a diplomatic achievement of true and permanent glory has been irre versibly awarded to him. Beyond that forum of the mere "public men of the age," by the larger jurisdicthe general public, the same praise has be Sunt hic ctiam sua pramia laudi. That which I had honor to say in the Sevate in the session of 1843, in a discussion concerning this treaty, is true and applica-ble now as then. "Why should I, or why should any one, assume the defence of a treaty here in this body which but just now, on the amplest consideration, in the afidence and calmness of executive session, was approv-

investments of permanence, under which vast and sensitive investments of capital were made; the expectations, the employments, the habits, of whole ranges of States were recast; an industry, new to us, springing, immature, had been advanced just so far that if deserted at that moment there must follow a squandering of skill, a squandering of property, an aggregate of destruction, senseless, needless, ard unconscientious, such as marks the worst form of revolution. On these facts, at a later day, he thought that that industry, the child of Government, should not thus capitable be deserted. "The duty of the Government," he said, "at the present moment would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one I shall feel it an indispensable digration to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow."

And does this prove that these original opinions were hasty, shallow, insincere, unstudied? Consistently with every duty of sober, high, earnest, and moral statesmanship, might not he who resisted the making of a tariff in 1816 deprecate its abandoment in 1828? Does not Adam Smith himself admit that it is "matter fit for deliberation how far or in what manner it has been for some time interrupted?" implying that a has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for some time interrupted?" implying that it has been for

Yet consider, finally, how he surmounted every difficul-ty. I will not say with Lord Palmerston, in Parliament, that there was "nobody in England who did not admit it a very bad treaty for England." But I may repeat what I said on it in the Senate in 1843. "And now what does give, such as a nation may accept, satisfactory to your interests, soothing to your honor—the navigation of the country, to commerce, to navigation as far as winds blow or waters roll; an equivalent of inappreciable value, open-ing an ample path to the sca; an equivalent in part for what she receives of the territory in dispute; a hundred thousand acres in New Hampshire; fifty thousand acres in Vermont and New York; the point of land commandmarket assists agriculture; how all the great employments | title to the whole territory in controversy was perfect and of man are connected by a kindred tie, so that the tilling indisputable. I will not do so much injustice to the ac-United States, and then brings back a small part of it in exchange for the right of navigating the St. John' I will not say this. But I say, first, that, by concession of every body, it is a better treaty than the administration of Preweath. In this sense, and in this way, believe his opinions were matured and modified; but it does not quite follow that they were not, in every period, conscientious-ly formed and held, or that they were not in the actual circumstances of each period philosophically just and the offer of a million and a quarter acres of land they he communicated, and of influencing his reason; his your general claim. It admits that in its utmost extent knowledge of the true interests and true grandeur of the two great parties to the negotiation; of the States of the It admits before the nations that we have not been rapacriticisms of the hour, in the consciousness that he done a good and large deed, and earned a permanent honest renown—of these it is the truest and most point of honor; whose intrinsical and comparative value is such that you may accept them as equivalents without reproach to your judgment, or your firmness, or your good faith, whose intrinsical and comparative value, tried by the maxims, weighed in the scales of imperial traffic, make them a compensation over and over again for all we

concede. ing that "a man who makes such a bargain is not entided to any great glory among diplomatists," is all that I
can call to mind—that I will not arrest the course of your
feelings here and now by attempting to refute that
the issue, hope and fear alternately preponderating, he entered on that extreme trial of capacity and good for-tune and carried it through, I shall not soon forget. As if it were last night-I recall the time when, after the Senate had ratified it in an evening Executive session, by a vote of thirty-nine to nine-I personally carried to him the two Houses of Congress who sustained that Adminis-tration, cordially and effectively, in every thing relating wife. Then, indeed, the measure of his glory and happiness seemed full. In the exuberant language of Burke, "I stood near him, and his face, to use the expression of the Scripture of the first martyr, was as if it had been the face of an angel. 'Hope elevated and joy brightened his crest.' I do not know how others feel, but if I had stood in that situation I would not have exchanged it for all

that kings or people could bestow."

Such eminence and such hold on the public mind as he attained demands extraordinary general intellectual power, adequate mental culture, an impressive, attractive, energetic, and great character, and extraordinary specific power also of influencing the convictions and actions of others by speech. These all he had.

That in the quality of pure and sheer power of intellect he was of the first class of men is, I think, the universal judgment of all who have personally witnessed many of his higher displays, and of all who without that opportunity have studied his life in its actions and influences, and studied his mind in its recorded then of the studies of the st ed by a vote so decisive? Sir, the country by a vote far fluences, and studied his mind in its recorded thoughts, more decisive, in a proportion very far beyond thirty-nine Sometimes it has seemed to me that to enable one to apmore decisive, in a proportion very far beyond thirty-nine to nine, has approved your approval. Some there are, some few, I speak not now of any member of the Senate—restless, selfish, reckless, 'the cankers of a calm world and a long peace,' pining with thirst of notoricty, slaves better not to see or hear him, unless you could see or is that which in the English nation is never to become obrestless, selfish, reckless, 'the cankers of a calm world and a long peace,' pining with thirst of notoriety, slaves to their harred of England, to whom the treaty is distasteful; to whom any treaty, and all things but the glare and clamor, the vain pomp and hollow circumstance of war, all but these would be distasteful and dreary. But the country is with you in this act of wisdom and glory; its intelligence; its morality; its labor; its good men; the thoughtful; the philanthropic; the discreet; the masses, of a large generalization, in an epithet, an antithesis, a pointed phrase, a broad and percentory thesis; and are with you." "It confirms the purpose of the wise and good of both nations to be forever at peace with one something in his grander forth-putting when roused by a another, and to put away forever all war from the kindred great subject or occasion exciting his reason and touch-races: war the most ridiculous of blunders, the most ing his moral sentiments and his heart so difficult to be tremendous of crimes, the most comprehensive of evils."

And now to bim who in the solitude of his library deprecates this act, first, because there was no danger of a war with England, I answer that, according to the overing the best condition immediately to pronounce on the whelming weight of that kind of evidence by which that quality or the source of the influence. You saw the kind of question must be tried—that is, by the judgment flash, and heard the peal, and felt the admiration and of the great body of well-informed public men at that mo-ment in Congress, in the Government, in diplomatic situa-tion—our relations to that Power had become so delicate and so urgent that unless soon adjusted by negotiation at all, see him many times; compare him with himself man, had more thoroughly mastered British constitutions there was real danger of war. Against such evidence, and with others; follow his dazzing career from his what is the value of the speculation of a private person, ten years afterwards, in the shade of his general study, study his discourses, study them by the whatever his sagacity? The temper of the border population; the tendencies to disorder in Canada, stimulated by sympathizers on our side of the line; the entrance on of this country and time and general history, or the history of condition, or condition or condition or conditions. It is library of English library in more prompt, exact, and copious destination; the tendencies to disorder in Canada, stimulated by sympathizers on our side of the line; the entrance on fields of mental achievement; look through the crystal water of the style down to the golden sands of the thought. the Caroline out of her harbor and sending her down the Falls; the arrest of McLeod in 1841, a British subject, sider what kind and what quantity of it has been held composing part of that force, by the Government of New York, and the threat to hang him, which a person high in office in England declared, in a letter which was shown the law; what capacity to analyze through and through

I will not answer this by what Scaliger says of Lepsius, | conducted as to have at last convinced each disputant, tion of intense and conflicting paradoxes, but a code, scition of intense and conflicting paradoxes, but a code, sci-entifically coherent and practically useful; consider what description and what quantity of mind have been held needful by students of mind in order to conspicuous emi-nence long maintained in statesmanship, that great prac-tical science, that great philosophical art, whose ends are the existence, happiness, and honor of a nation; whose truths are to be drawn from the widest survey of man, of social man, of the particular race and particu-lar community for which a government is to be made or lar community for which a government is to be made or kept or a policy to be provided: "philosophy in action," demanding at once or affording place for the highest speculative genius and the most skilful conduct of men and of affairs; and, finally, consider what degree and kind of mental power has been found to be required in order to influence the research of a parallegue and a naorder to influence the reason of an audience and a na-tion by speech—not magnetizing the mere nervous or emotional nature by an effort of that nature, but operating on reason by reason—a great reputation in forensic and deliberative eloquence, maintained and advancing for a life-time. It is thus that we come to be sure that his intellectual power was as real and as uniform as its very happiest particular display had been imposing and remarkable.

It was not quite so easy to analyze that power, to compare or contrast it with that of other mental celebrities, and show how it differed or resembled, as it was to discern its existence.

Whether, for example, he would have excelled as much in other fields of exertion—in speculative philosophy, for example, in any of its departments—is a problem impossible to determine and needless to move. To me it seems quite clear that the whole wealth of his powers, his whole emotional nature, his eloquent feeling, his matchless capacity to affect others' conduct by affecting their practical judgments, could not have been known, could not have been poured forth in a stream so rich and strong and full, could not have so reacted on and aided and winged the mighty intelligence in any other walk of mind or life than that he chose; that in any other there must have been some disjoining of qualities which God had united—some divorce of pure intellect from the helps or bindrances or companionship of common sense and beautiful genius; and that in any field of speculative ideas but half of him, or part of him, could have found its sphere. What that part might have been or done it is vain to inquire.

vain to inquire.

I have been told that the assertion has been hazarded that he "was great in understanding, deficient in the large reason;" and to prove this distinction he is compared disadvantageously with "Socrates, Aristotle, Plato, Leibnitz, Newton, and Descartes." If this means that he did not devote his mind, such as it was, to their speculations, it is true; but that would not prove that he had not as much "higher reason." Where was Bacon's higher reason when he was composing his reading on the Statute of Uses? Had he lost it? or was he only not employing it? or was he employing it on an investigation of law? If it means that he had not as much absolute intellectual power as they, or could not, in their departments, have done what they did, it may be dismissed as a dogma incapable of proof and incapable of refutation, ineffectual as a disparagement, unphilosophical as a comparison.

It is too common with those who come from the reve-

ries of a cloistered speculation to judge a practical life, to say of him, and such as he, that they "do not enlarge universal law, and first principles and philosophical ideas;" that "they add no new maxim formed by induction out of human history and old thought." In this there is some truth; and yet it totally fails to prove that they do not possess all the intellectual power and all the specific form of intellectual power required for such a description of achievement; and it totally fails, too, to prove that they do not use it quite as truly to "the glory of God and the bettering of man's estate." Whether they possess such power or not the evidence does not dis-prove; and it is a pedantic dogmatism, if it is not a ma-lignant dogmatism, which, from such evidence, pronounces that they do not; but it is doubtless so, that by an original bias, by accidental circumstances or deliberate choice he determined early to devote himself to a practical and great duty, and that was to uphold a recent, delicate, and complex political system which his studies, his sagacity taught him, as Solon learned, was the best the people could bear; to uphold it; to adapt its essential principles and its actual organism to the great changes of his time; the enlarging territory; enlarging numbers; sharper an because he selected such a work to do he could not have possessed the higher form of intellectual power; or do they say that, because having selected it, he performed it with a masterly and uniform sagacity, and prudence, and good sense, using ever the appropriate means to the selected end; that therefore he could not have possessed the higher form of intellectual power? Because all his life long he recognised that his vocation was that of a The other act of his public life to which I alluded is could have procured the assent of Maine to it. That statesman and a jurist, not that of a thinker and dreamer his negotiation of the Treaty of Washington, in 1842, treaty she rejected, this she accepts; and I disparage no- in the shade, still less of a general agitator; that his duwith Great Britain. This act the country, the world, body when I maintain that on all parts and all aspects of ties connected themselves mainly with an existing stupen-has judged and has applauded. Of his administrative this question, National or State, military or industrial, dous political order of things, to be kept, to be adapted ability, his discretion, temper, civil courage, his power her opinion is worth that of the whole country beside. I with all possible civil discretion and temper to the growth of exacting respect and confidence from those with whom say next that the treaty admits the substantial justice of the nation, but by no means to be exchanged for any quantity of amorphous matter in the form of "universal law" or new maxims and great ideas born since the last change of the moon; because he quite habitually spoke the lauguage of the Constitution and the law, not the Union more immediately concerned, and of the world, whose clous; have not made false clamor; that we have assertchief concern is peace; and of the intrepidity with which he encountered the disappointed feelings and disparsging criticisms of the hour, in the consciousness that he
the one-fifth which you concede equivalents, given as sable maxims, neutrality, justice, good faith, obsersable maxims, neutrality, justice, good faith, observance of fundamental compacts of Union and the like; because it was America-our America-he sought to preserve, and to set forward to her glory, not so much abstract conception of humanity; because he could com-bine many ideas, many elements, many antagonisms in a harmonious and noble practical politics, instead of fastening on one only, and—that sure sign of small or perverted ability-aggravating it to disease and falsehood-it is therefore inferred that he had not the larger form of intellectual power?

And this power was not oppressed, but aided and accomplished by exercise the most constant, the most se vere, the most stimulant, and by a force of will as re-markable as his genius, and by adequate mental and tasteful culture. How much the eminent greatness it reached is due to the various and lofty competition to which he brought, if he could, the most careful preparation, competition with adversaries cum quibus certare eral gloriosius, quam omnino adversarios non habere cum præsertim non modo nunquam sit aut illorum ab ipso cursus impeditus, aut ab ipsis suus, sed contra cemper alter ab altero adjutus, et communicando, et monendo, et favendo, you may well appreciate.

I claim much, too, under the name of mere mental culture. Remark his style. I allow its full weight to the Horatian maxim, scribendi recte sapere est et principium et fons, and I admit that he had deep and exquisite judgment largely of the gift of God. But such a style as his is due also to art, to practice, in the matter of style, in-cessant; to great examples of fine writing turned by the nightly and the daily hand; to Cicero, through whose pellucid deep seas the pearl shows distinct and large and near, as if within the arm's reach; to Virgil, whose magic of words, whose exquisite structure and "rich economy of expression" no other writer ever equalled: to our English Bible, and especially to the prophetical writings, and of these especially to Ezekiel, of some of whose pe-culiarities, and among them that of the repetition of singance of his English; to Pope, polished, condensed, sententious; to Johnson and Burke, in whom all the affluence and all the energy of our tongue in both its great elements of Saxon and Latin might be exemplified; to the study and comparison, but not the copying of authors such as these; to habits of writing, and speaking, and conversing on the capital theory of always doing his best—thus somewhat, I think, was acquired that remarkable production, "the last work of combined study and genius," his rich, clear, correct, harmonious, and weighty style of

Beyond these studies and exercises of taste he had read variously and judiciously. If any public man, or any man, had more thoroughly mastered British constitutions collect hearing him, in 1819, while attending a commence-ment of this college, at an evening party, sketch, with great emphasis and interest of manner, the merits of George Buchanan, the historian of Scotland, his latinity York, and the threat to hang him, which a person high in the higher mathematics, or metaphysics, or reason of in Gice in England declared, in a letter which was shown to me, would raise a cry for war from "Whig, Radical, and Tory" which no Ministry could resist; growing irritation caused by the search of our vessels under color of suppressing the slave trade; the long controversy, almost as old as the Government, about the boundary line, so repressing one by another, thus producing, not a collective of influences which moulded us into a united other representative and free government; that